

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 106 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PARMAR BHARATSINH DALATSINH

Versus

DISTRICT PRIMARY EDUCATION OFFICER

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Appearance:

MR MUKESH R SHAH for Petitioner

MR HS MUNSHAW for Respondent No. 1

SERVED BY DS for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 26/03/97

ORAL JUDGEMENT

Rule returnable today. Learned advocate Mr. Munshaw appears and waives service of Rule on behalf of the respondents.

2. Pursuant to the advertisement published on 19th November, 1994, the petitioner applied for appointment to

the post of primary teacher under the respondents. It is the grievance of the petitioner that though he has obtained 74.12% marks, he has not been given due placement on the select list and the persons having secured lesser marks i.e. 71.28% have been offered appointment in the month of December, 1996.

2. In response to the notice issued by this Court, the respondents have entered their appearance through learned advocate Mr. Muhshaw. Respondent No. 1 has made affidavit in reply to the petition and has denied that the petitioner has secured 74.12% marks as averred by him. It is contended that the petitioner secured 73.12% marks and has been placed on merit list at serial No. 518. It is further submitted that the petitioner was sent an interview call. He, however, did not remain present at the time of interview. He was, therefore, not offered appointment. Alongwith the affidavit, a list has been annexed enumerating the names and addresses of the candidates who were sent interview call. The petitioner's name appears at page 21. The address mentioned against the name of the petitioner is that of village "Bayana" Taluka : Dholka. The petitioner has relied upon the application made by him. The petitioner is the resident of village "Bhayala", Taluka : Dholka. Thus, it is apparent that on account of some clerical mistake, interview call sent to the petitioner was addressed to village Bayana instead of village Bhayala. As a result, the petitioner did not receive interview call and did not remain present for interview. No prejudice can be permitted to be caused to the petitioner for want of due care at the end of the respondent Panchayat. In the circumstances, petition is allowed. Following directions are issued :

Respondents shall send interview call to the petitioner at village Bhayala, Taluka : Dholka, place of his residence and the petitioner shall be interviewed by the interview committee which interviewed the other candidates. If the petitioner is found suitable and is selected, he be offered appointment as a primary teacher under the respondents. Aforesaid exercise shall be completed within a period of two months from today. Rule is made absolute accordingly. Parties shall bear their own costs. Direct service is permitted.

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Vyas